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L. A. Bill No. 5 of 1958.

NOTIFICATION

No. LA. 4-286/58. *Dated, Trivandrum, 24th February* 1958.

The following Bill together with the Statement of Objects and Reasons is published as ordered by the Speaker under Rule 73 of the Rules of Procedure and Conduct of Business in the Assembly.

Legislature Secretariat, Trivandrum. V. Krishnamoorthi, *Secretary, Legislative Assembly.*

THE KERALA DOWRY PROHIBITION BILL, 1958.

A

BILL

to prohibit the giving or taking of dowry in the State of Kerala.

Preamble.—Whereas it is expedient to prohibit the giving or taking of dowry as consideration for marriage;

Be it enacted in the Ninth Year of the Republic of India as follows:—

1. *Short title, extent and commencement.*—(1) This Act may be called the Kerala Dowry Prohibition Act, 1958.

(2) It extends to the whole of the State.

(3) It shall come into force on such date as the Government may, by notification in the Gazette, appoint.

2. *Application of Act.*—This Act applies—

(a) to all persons domiciled in the State, whether the marriage is performed within or without the State;

(b) to all marriages performed in the State even if neither of the parties to such marriages is domiciled in the State.

Explanation.—For the purposes of this Act, the domicile of a person shall be determined in accordance with the provisions contained in Sections 6 to 18 (both inclusive) of the Indian Succession Act, 1925 (Central Act 39 of 1925).

3. *Definitions.*—In this Act, unless the context otherwise requires,—

(a) "dowry" means any property or valuable security given or agreed to be given to one party to a marriage or to any other person on behalf of such party either at such marriage or before or after such marriage as consideration for the betrothal or marriage, but does not include,

(i) Dower or Mahar in the case of persons to whom the Muslim Law applies;

(ii) any presents made at the time of the marriage in the form of ornaments, cloths and other articles not exceeding in value of Rs. 2,000.

Explanation.—The expression "valuable security" shall have the meaning assigned to it in section 30 of the Indian Penal Code (Central Act 45 of 1860);

(b) "State" means the State of Kerala.

4. *Giving or taking of dowry to be unlawful.*—(1) Notwithstanding any law, custom or usage to the contrary, the giving or taking of or the attempting to give or take dowry shall be unlawful.

(2) Any agreement for the giving or taking of dowry or any transaction in that regard shall be void.

5. *Offences to be non-cognizable, bailable and non-compoundable.*—The offences under this Act shall be non-cognizable, bailable and non-compoundable.

6. *Cognizance of offences.*—(1) No court inferior to that of a Magistrate of the First Class shall try any offence punishable under this Act;

(2) No court shall take cognizance of any offence punishable under this Act except on a complaint made within one year from the date of the offence.

7. *Penalty for giving or taking or abetting the giving or taking of dowry.*—Whoever gives or takes dowry or attempts to give or take dowry or abets the giving or taking of dowry shall be punishable with simple imprisonment not exceeding six months or with fine not exceeding one thousand rupees or with both.

8. *Power to make rules.*—(1) The Government may, by notification in the Gazette, make rules for carrying out all or any of the purposes of this Act.

(2) All rules made under this Act shall, as soon as may be after they are made, be laid for not less than seven days before the Legislative Assembly and shall be subject to such modifications as the Legislative Assembly may make during the session in which they are so laid.

Statement of Objects and Reasons.

The practice of giving or taking of dowry is prevalent in the State. Government consider that this is a social evil and should be prohibited effectively. The Bill is intended to achieve this object.

V. R. Krishna Iyer.

L. A. Bill No. 6 of 1958.

NOTIFICATION

No. LA. 4-296/58. *Dated, Trivandrum, 24th February* 1958.

The following Bill together with the Statement of Objects and Reasons is published as ordered by the Speaker under Rule 73 of the Rules of Procedure and Conduct of Business in the Assembly.

Legislature Secretariat,
Trivandrum.

V. KRISHNAMOORTHI,
Secretary, Legislative Assembly.

THE CHRISTIAN SUCCESSION ACTS (REPEAL) BILL, 1958.

A

BILL

to repeal the Christian Succession Act (Travancore Act II of 1092) and the Cochin Christian Succession Act, VI of 1097.

Preamble.—WHEREAS it is expedient to repeal the Christian Succession Act (Travancore Act II of 1092) and the Cochin Christian Succession Act, VI of 1097;

BE it enacted in the Ninth Year of the Republic of India as follows :—

1. *Short title, extent and commencement.*—(1) This Act may be called the Christian Succession Acts (Repeal) Act, 1958.

(2) It shall come into force on such date as the Government may, by notification in the Gazette, appoint.

2. *Repeal of Travancore Act II of* 1092 *and Cochin Act VI of* 1097.—The Christian Succession Act (Travancore Act II of 1092) and the Cochin Christian Succession Act, VI of 1097, are hereby repealed.

Statement of Objects and Reasons.

The Christian Succession Act (Travancore Act II of 1092) and the Cochin Christian Succession Act, VI of 1097, provide for the intestate succession among Christians in the Travancore and Cochin areas of the State respectively, while Part V of the Indian Succession Act, 1925, dealing with intestate succession apply to Christians in the Malabar area.

It is considered necessary to have a uniform law to govern the intestate succession among Christians for the whole of the State and for that purpose to repeal the Travancore Christian Succession Act and the Cochin Christian Succession Act. The Bill is intended for this purpose.

V. R. KRISHNA IYER.